

MESSAGE NO: 5211303 MESSAGE DATE: 07/30/2015

MESSAGE STATUS: Active CATEGORY: Countervailing  
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐  
SUB-TYPE: OUTSCO-Out of Scope

FR CITE: 80 FR 34899 FR CITE DATE: 06/18/2015

REFERENCE 3073301  
MESSAGE #  
(s):

CASE #(s): C-570-955

EFFECTIVE DATE: 06/01/2015 COURT CASE #: 1200215

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 07/30/2015

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Final Scope determination on Certain Magnesia Carbon Bricks from the People's Republic of China (C-570-955)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 5 below.

1. On 05/22/2015, the U.S. Court of International Trade (CIT) sustained the Final Redetermination issued by Commerce pursuant to Fedmet Resources Corporation v. United States (Ct. No. 12-00215). As a result, Commerce published in the Federal Register (80 FR 34899) on 06/18/2015, with an effective date of 06/01/2015, the Notice of Court Decision Not in Harmony With Final Scope Ruling and Notice of Amended Final Scope Ruling Pursuant to Court Decision.

2. The CIT's final decision determined that Fedmet Resources Corporation's (Fedmet) Bastion® magnesia alumina carbon bricks are outside the scope of the order on certain magnesia carbon bricks from the People's Republic of China. For purposes of this scope ruling, Fedmet Bastion® magnesia alumina carbon bricks are defined as containing approximately 8 to 15 percent aluminum oxide (chemical formula  $Al_2O_3$ ), more commonly known as alumina, 3 to 15 percent carbon, 75 to 90 percent magnesia, as well as smaller amounts of silicon dioxide, calcium oxide, iron oxide, and titanium dioxide.

3. For all entries of Fedmet Bastion® magnesia alumina carbon bricks not within the scope that remain unliquidated, including those covered by the injunction with court number 12-00215, which is referenced in message 3073302, dated 03/14/2013, CBP shall terminate suspension and liquidate these entries without regard to countervailing duties.

4. Refund any cash deposits relating to Fedmet Bastion® magnesia alumina carbon bricks not within the scope described above.

5. These instructions constitute notice of the lifting of suspension of liquidation of entries of Fedmet Bastion® magnesia alumina carbon bricks not within scope entered, or withdrawn from warehouse, for consumption on or after 09/26/2011.

6. The assessment of countervailing duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated countervailing duties. The interest provisions are not applicable to cash or bonds posted as estimated countervailing duties before the date of publication of the countervailing duty order. Interest shall be calculated from the date payment of estimated countervailing duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

7. Unless instructed otherwise, for all other shipments of certain magnesia carbon bricks from the People's Republic of China not covered by paragraph 2 above, you shall continue to collect cash deposits of estimated countervailing duties for the merchandise at the current rates.

8. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O7:SC.)

9. There are no restrictions on the release of this information.

Michael B. Walsh

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party